

1 BILL NO. S-81-11-30

2 SPECIAL ORDINANCE NO. S 262-81

3 AN ORDINANCE approving a contract between
4 the City of Fort Wayne and Holiday Inn
5 for Fire protection to premises outside
6 the City.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
8 OF FORT WAYNE, INDIANA:

9 SECTION 1: That the contract, dated October 1,
10 1981, between the City of Fort Wayne, by and through its Mayor
11 and Board of Public Safety, and Holiday Inn and the furnishing
12 of fire protection by the Fort Wayne Fire Department to premises
13 of Holiday Inn outside the city limits, described as follows,
14 to wit:

15 3330 California Rd., Allen County, Indiana
16 All as more particularly set forth in said contract which is
17 on file in the Office of the Board of Public Safety and is by
18 reference incorporated herein and made a part hereof, is
19 hereby in all things ratified, confirmed and approved.

20 SECTION 2: The proceeds of such contract received
21 by the City shall be deposited in the City "Fire Fighting Fund"
22 pursuant to I.C. 18-6-8-2, and proper replacement statute.

23 SECTION 3: This Ordinance shall be effective upon
24 its passage and approval by the Mayor.

25 
26 COUNCILMAN

27 APPROVED AS TO FORM AND
28 LEGALITY NOVEMBER 20, 1981

29 
30 BRUCE O. BOXBERGER, CITY ATTORNEY
31
32

Read the first time in full and on motion by V. Delmish, seconded by Charles W. Westerman, and duly adopted, read the second time by title and referred to the Committee James (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 11-24-81, the 11 day of November, 1981, at 11 o'clock M., E.S.T.

DATE: 11-24-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by V. Delmish, seconded by Charles W. Westerman, and duly adopted, placed on its passage. PASSED (~~Lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>			
<u>BURNS</u>	<u>X</u>				
<u>EISBART</u>	<u>X</u>				
<u>GIAQUINTA</u>	<u>X</u>				
<u>NUCKOLS</u>	<u>X</u>				
<u>SCHMIDT, D.</u>	<u>X</u>				
<u>SCHMIDT, V.</u>	<u>X</u>				
<u>SCHOMBURG</u>	<u>X</u>				
<u>STIER</u>	<u>X</u>				
<u>TALARICO</u>	<u>X</u>				

DATE: 12-8-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-262-81 on the 8th day of December, 1981.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of December, 1981, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of Dec 1981, at the hour of 4 o'clock P M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-11-30

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN
ORDINANCE approving a contract between the City of Fort Wayne and
Holiday Inn for Fire protection to premises outside the City

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

Vivian G. Schmidt

JAMES S. STIER, VICE CHAIRMAN

James S. Stier

MARK E. GIAQUINTA

Mark E. Giaquinta

PAUL M. BURNS

Paul M. Burns

ROY J. SCHOMBURG

Roy J. Schomburg

12-8-81
CONCURRED IN
DATE _____ CITY CLERK

FIRE PROTECTION CONTRACT

This contract is entered into in duplicate this 1st day of October 1981, between the City of Fort Wayne, Indiana, acting by and through its Mayor and Board of Commissioners, Department of Public Safety ("CITY") and HOLIDAY INNS, INC. (HOLIDAY INN).

WHEREAS, HOLIDAY INN, is the lessee of certain improvements upon real estate near but outside the corporate limits of the CITY described as follows:

3330 California Rd., Allen County, Indiana

and, WHEREAS, HOLIDAY INN desires to be assured that fire protection by CITY is available at its premises:

NOW, THEREFORE, the parties agree as follows:

1. For one (1) continuous calendar year from the date of this agreement, upon the receipt by CITY'S Fire Department of a notification or signal that there is a fire on said premises of HOLIDAY INN, CITY shall cause the proper firefighting station or stations to send such firefighting equipment, materials, and personnel to HOLIDAY INN premises as it reasonably sends to other similar locations within the corporate limits of the CITY.
2. For the firefighting services provided for herein, HOLIDAY INN shall pay to CITY the sum of Two Thousand Dollars (\$2000.00). Said sum shall be payable upon execution of this contract.
3. The CITY shall cause its fire department personnel to inspect said building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said building, equipment, and facilities and HOLIDAY INN operations on its premises, so as to: (1) determine the types of fire which may reasonably be anticipated on said premises; (2) be able to render service commensurate with existing service conditions; (3) to make recommendations relative to fire prevention.
4. The CITY and the CITY'S Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents herein nor for individuals involved herein the execution of the contract.

5. Notwithstanding the foregoing provisions, this contract shall not become effective until it shall have been signed by the Mayor and the Members of the Board of Commissioners, Department of Public Safety of CITY, and ratified and approved by the Common Council of CITY.

IN WITNESS WHEREOF, this agreement has been duly authorized and executed as of the date first above written by the duly authorized officers and representatives of the parties.

HOLIDAY INNS, INC.

By: 

Gordon E. Druehl,
Hotel Group Vice President

CITY OF FORT WAYNE, INDIANA

By: 

Win C. Moses, Jr., Mayor

BOARD OF COMMISSIONERS,
DEPARTMENT OF PUBLIC SAFETY

By: 

Nick Palermo, Chairman


William H. White, Member


Helen P. Brown, Member

I hereby certify that the foregoing contract was ratified and approved by Common Council of the City of Fort Wayne, Indiana on December 8 1981.


Charles W. Westerman, Clerk

5502

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Outside the City Fire Contract *J-81-11-30*

DEPARTMENT REQUESTING ORDINANCE Board of Public Safety

SYNOPSIS OF ORDINANCE This would allow the City of Fort Wayne to provide fire protection for Holiday Inn. They, in turn, will pay the City \$2,000.00, which is used to purchase fire equipment.

EFFECT OF PASSAGE The Fort Wayne Fire Department will receive \$2,000.00.

EFFECT OF NON-PASSAGE The Fire Department will loose \$2,000.00

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none.

ASSIGNED TO COMMITTEE (J.N.) _____

DATE SUBMITTED: _____